

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

CHARLENE CARROLL,

Plaintiff,

vs.

No. 1:16-cv-1139 SMV/KBM

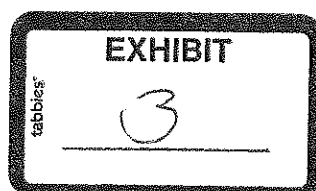
BOARD OF COUNTY COMMISSIONERS
OF RIO ARRIBA COUNTY, RANDY R.
SANCHES, BRANDON ARCHULETA
AND THOMAS R. RODELLA,

Defendants.

DECLARATION OF RANDY SANCHES

Randy Sanches, full age declares the following:

1. I am a captain with the Rio Arriba County Sheriff's Office. On August 25, 2014, I was a lieutenant with the Rio Arriba County Sheriff's Office. I have 11 years of law enforcement experience.
2. I have personal knowledge of the following facts.
3. At approximately 10:18 p.m. on August 25, 2014, I was dispatched to the second to last house on Chicoma Avenue in Abiquiu, New Mexico, along with Rio Arriba County Deputies Pete Chavez, Brandon Archuleta and J. War in regard to a suspected burglary at the residence. The residence was reported to have a blue porch light.
4. At the time, I was in my full uniform, displaying my badge of office and operating a marked patrol unit.
5. Deputies Chavez, Archuleta and War were also in full uniform, displaying their badges of office and operating marked patrol units.



6. We were advised by dispatch that the reporting party had observed someone with a flashlight around the subject residence and that the owners of the home lived in New York.

7. We proceeded to the general location but had difficulty locating the residence. Calls were placed to dispatch for more specific information as to directions to the location.

8. Dispatch provided us with additional information in terms of directions to the location. With this additional information, we arrived at the subject residence at approximately 10:40 p.m.

9. When we arrived on scene, we conducted an initial perimeter search. In conjunction with this search, we reported to dispatch the presence of a blue Toyota Sequoia pick-up truck in the drive way and provided the license plate number.

10. I proceeded to the back of the residence with Deputy War. Deputies Chavez and Archuleta conducted the perimeter search at the front of the residence.

11. As I was proceeding to the backyard, I noticed that several windows to the residence were open. I also noticed the presence of two large dogs inside the residence.

12. While in the backyard, I heard voices at the front of the residence and proceeded there. Deputies Archuleta and Chavez were speaking to an African American female on the front porch.

13. The female was asked to identify herself. She said she was the homeowner. She asked who called the police. She was advised that we had been dispatched to the residence regarding a suspected burglary.

14. The female again asked who made the call. We advised her that we received a call from a dispatch center and did not know who the reporting party was.

15. The female provided her name. We asked the female for identification to confirm same. She did not provide her identification. Instead, she started to enter the home and close the door.

16. I advised the female that we needed to check the residence in light of a report of a crime in progress and I requested that she cooperate with us.

17. The female stated that she was not going to let us into the residence without a warrant. I advised her that due to the nature of the call, we were going to secure the house and if she did not cooperate, we would detain her while we investigated the reported burglary.

18. The female stated that no one was going into her house.

19. At this point, we had no verification that the female was who she said she was, whether she had any legal connection to the residence, or whether other persons were inside the residence. I therefore instructed Deputy Archuleta to detain the female.

20. Deputy Archuleta placed handcuffs on the female. She was advised that she was not under arrest; she was just being detained until we completed our investigation.

21. After being handcuffed, the female offered to allow one deputy into the residence with her so she could obtain her identification. She motioned to Deputy Archuleta.

22. I instructed Deputy Archuleta to remove her handcuffs and escort her into the residence.

23. I then contacted dispatch and explained that the female was upset and claiming to be the owner of the residence.

24. Deputy Archuleta came out of the house with the female. She had her identification with her which confirmed that her name was Charlene Carroll. This information, along her date of birth, was communicated to dispatch. Dispatch informed me that if the person we were dealing with was Charlene Carroll, she did not live at that address but lived further

down Chicoma Avenue. Dispatch also informed me that the owners of the residence were Susan and Winter Scharbach.

25. Dispatch inquired if the person we were dealing with was African American. I replied yes. Dispatch reaffirmed that this person did not live at that address, she lived further down Chicoma Avenue.

26. Dispatch then informed me that the reporting party would be driving to our location. They gave me a description of the vehicle he would be arriving in.

27. A middle aged man arrived at our location a little while later. He identified himself as Charles Canada.

28. Upon arriving at our location, Mr. Canada stated that he was the person reporting the suspected burglary and he now realized that he was looking at the wrong house when he called 911. He confirmed that the house we were at and which he reported a suspected burglary at was in fact Charlene Carroll's residence, and that the African American female we were dealing with was Charlene Carroll.

29. Mr. Canada apologized to Ms. Carroll, stating that he had made a mistake as to which residence he was looking at when he called 911 to report a suspected burglary.

30. I also apologized to Ms. Carroll for the investigation due to the information that was provided to us by dispatch that now turned out to be mistaken.

31. I gave Ms. Carroll my business card and Ms. Carroll walked away from me, still upset, threatening litigation against the Sheriff's Office.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 6th day of January, 2017 at Espanola, New Mexico.



RANDY SANCHES